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GROUP 3700

FOX

INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Molly L. Sauter
Attn:	Michael J. Hayes - Art Unit 3763	Client:	1372.32
Fax:	(703) 872-9302	Pages:	5 including coversheet
Phone:	(703) 305-5873	Date:	April 1, 2003
Re:	USSN 09/696,350	CC:	University of South Florida (Assignee)
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

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Docket No. 1372.32

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD HELLER ET AL.

Serial No.: 09/696,350

Filed: 10/24/2000

For: **ELECTROPORATION DEVICE AND
METHOD**

Art Unit: 3763

Examiner: Michael J. Hayes

Faxed to Technology Center 3700 at (703) 872-9302
Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

STATUS

2. Applicant is an independent inventor. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.


SIGNATURE OF PRACTITIONER

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CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 3763, Attn: Michael J. Hayes, (703) 872-9302 on April 1, 2003.

Dated: April 1, 2003


Deborah Preza

(Amendment Transmittal—page 1)

Practitioner's Docket No.: 1372.32

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of: **Richard Heller et al.**

Serial No.: 09/696,350

Art Unit: 3763

Filed: 10/24/2000

Examiner: Michael J. Hayes

For: **ELECTROPORATION DEVICE AND
METHOD**

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Dear Sir:

Applicant responds to the Examiner's action mailed March 12, 2003, having a shortened statutory period for response set to expire April 12, 2003 as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant's reply filed on 12/20/02 was not fully responsive to the prior Office Action because of the following omission: Applicant was required to make an election between various species as well as the election between invention groups. Applicant elected one invention group but did not elect a single species for examination.

Applicant responds now by provisionally electing the species classified by the Office as "species 2", drawn to Fig. 4. As such, Applicant requests prosecution on the merits for the claims readable on the elected species, which include claims 1-15.

REMARKS

Applicant's traverses the finding of the office that no claim is currently generic. Citing 37 CFR 1.141:

Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the